In the High Court for the States of Punjab and Haryana, at Chandigarh.

C.R.No. 2107 of 2007 (O&M)
Decided on April 23,2007

R.K.Bhatia -- Petitioner.

vs.

Harbir Singh and otheres --- Respondents.

Present: Mr. Amit Rawal,Advocate,for the petitioner.

Pritam Pal,J:(Oral)

This Civil Revision by the tenant/petitioner, is directed against order dated February 21,2007, whereby an objection petition filed by him (petitioner) during the pendency of the execution proceedings again for holding the relationship of landlord and tenant between the parties, was dismissed.

Without going into any further details, suffice it to say, that the petitioner/tenant stood finally ejected from the demised premises by the order of the Court, which is being sought to be executed by the landlord/respondent before the Executing Court.

The sole contention of counsel for the petitioner/tenant is that since the landlord has filed a fresh petition on April 15,2006 for ejectment on the ground of non-payment of rent as well as on the ground of subletting, so, fresh tenancy has been created, and now relationship of

landlord and tenant has to be re-established between the parties in the subsequent ejectment petition. In support of his this contention, learned counsel has relied upon Antony V. K.C. Ittoop & Sons 1999 (2) R.C.R. 490.

Admittedly, here, in the instant case, the order of ejectment of the petitioner has attained finality and as such, the relationship of landlord and tenant between the parties had also come to an end. Now, the landlord is seeking execution of the ejectment order and as such, his attempt to get possession of the demised premises cannot be allowed to be frustrated by the tenant, who is now taking the frivolous ground for re-establishing the relationship of landlord and tenant between the parties. If any subsequent petition has been filed by the landlord in order to recover the rent, the payment of which appears to have been stopped by the tenant/petitioner, that would not have any effect on the execution proceedings. The order of ejectment against the petitioner had attained finality in the year 2005, but till today, the petitioner has not handed over possession of the demised premises to the landlord/respondent.

I have also gone through the above cited ruling and find that the facts contained therein are quite at variance from the facts of the case in hand. Hence, no benefit can be derived by the petitioner from the observations made therein by their Lordships.

In the totality of the facts and circumstances of the case as discussed above, I have no hesitation to hold that the petitioner has filed the present petition, which is frivolous one, just to drag the decree holder/landlord again in a fresh litigation to prevent the latter from enjoying the fruits of the decree/order, which admittedly, had attained

finality in the year 2005. Thus, this petition is hereby dismissed with special costs of Rs. 5000/-, payable by the petitioner within a period of one month in the account of Bar Association, Punjab and Haryana High Court.

April 23,2007 (Pritam Pal)
RR Judge